

27 September 2018

Senator the Hon James McGrath
Chair
Joint Standing Committee on Electoral Matters
PO Box 6021
Parliament House
Canberra ACT 2600

Inquiry into the proposed amendments to the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017

Dear Senator,

Thank you for the opportunity to put forward a submission in response to the proposed amendments to the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017. As only one week has been allowed for comment on this complex piece of legislation we are only able to offer high level comments. We offer these comments knowing that subsequent issues relating to the legislation could be identified after this submission has been made, and therefore we hope the Committee will accept supplementary submissions should this be the case.

AAMRI supports the proposed amendments being made to the Bill. The amendments largely deal with the issues that AAMRI raised in its previous submission. Our chief concern had been that loose definitions in the Bill could have seen important apolitical health policy work undertaken by medical research institutes (MRIs) being inadvertently deemed as political campaigning. The implication of this would have seen MRIs either having to register as political campaigners or third party campaigners. This would have had a negative impact on an MRI's reputation, potentially affecting philanthropic efforts and community engagement, or alternatively could have seen MRIs withdraw from engaging in important health policy work.

The proposed amendments to the definitions in the Bill used to identify those needing to register as political campaigners and third parties significantly improve on those offered in the original Bill, as well as in the current legislation. The previous definition of political purposes was defined as 'the expression of views on an issue that is, or is likely to be, before electors in an election'. This definition could have captured a wide range of everyday non-political health policy and health promotion work. The removal of this definition, and instead the use of the new definitions of electoral expenditure (section 287AB) and electoral matter (section 4AA) more appropriately identify those that should be registering as political campaigners or third parties.

It is our understanding that these new definitions will ensure that it is only those engaged in activities that are seeking to influence the way electors vote in an election that will need to register. The

proposed description of activities that do and do not fall under this definition should now mean that there will be no impact on our members and the health promotion work they undertake. Furthermore, the greater clarity given to the academic exemption also provides an additional reassurance that the work of medical researchers would not fall under the remit of this legislation. Therefore, these amendments satisfy our concerns about the Bill, and importantly, they should not hinder MRI participation in health promotion activities, such as running public health campaigns or participating in health policy development.

While we are of the position that the proposed amendments largely satisfy the concerns we held, the Bill could be further improved by providing specific guidance on how to calculate electoral expenditure. At present there remains much confusion over whether indirect costs associated with electoral expenditure count towards the expenditure threshold. For example, it is clear that the costs associated with printing electoral material would count, but it is not clear whether proportional costs associated with salaries, building rent, utilities and equipment should also be factored in. This could potentially make a large difference as to whether some organisations meet the expenditure thresholds for political campaigners or third-parties.

We encourage the committee and the Parliament to support these amendments being made to the Bill. Thank you for the opportunity to make this submission and we would be happy to discuss any points raised in further detail with the Committee.

Yours sincerely,

Professor Tony Cunningham AO

AAMRI President

T 03 9345 2500

president@amri.org.au